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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/750,719

01/02/2004

Andi Gutmans

206,406

1411

38137 7590 02/21/2008  
ABELMAN, FRAYNE & SCHWAB  
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EXAMINER

MIRZA, ADNAN M

ART UNIT

PAPER NUMBER

2145

MAIL DATE

DELIVERY MODE

02/21/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/750,719	<b>Applicant(s)</b> GUTMANS, ANDI	
	<b>Examiner</b> ADNAN M. MIRZA	<b>Art Unit</b> 2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>01/02/2008</u>  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-2, 4-21 are rejected under 35 U.S.C. 102(e) as being unpatentable by Gobin et al (U.S. 6,745,229).

As per claims 1,10,18 Gobin disclosed a method for downloading data, comprising the steps of:  
establishing a connection over a communication network 5 between a remote client and a server, said connection comprising a socket; receiving a download request from said client via said connection for download of information from said server (col. 9, lines 26-29); constructing a copy of said socket; closing said socket; enqueueing said copy of said socket in a download manager process executing on said server; and transmitting said information to said client via said download manager using said copy of said socket (col. 9, lines 13-24).

2. As per claims 2,12 Gobin disclosed the step of forcing conversion of said copy of said socket to non-blocking socket (col. 7, lines 47-56).

3. As per claims 4,11 Gobin disclosed wherein said client comprises a plurality of clients, and said steps of establishing a connection, and constructing a copy of said socket, and are

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performed substantially concurrently with respect to each of said plurality of clients (col. 2, lines 50-67).

4. As per claims 5,13,19 Gobin disclosed wherein said download request further comprises an indication of a file on said server, further comprising the steps of: enqueueing said download request in said download manager process with other download requests concurrently being managed therein (col. 3, lines 1-11).

5. As per claims 6,14 Gobin wherein said connection comprises a TCP session (col. 7, lines 47-56).

6. As per claims 7,15 Gobin disclosed wherein said socket of said connection is a blocking socket (col. 7, lines 47-56).

7. As per claims 8,16,20 Gobin disclosed wherein said server allows a maximum number of open file descriptors, further comprising the steps of: spawning a duplicate download manager process when said maximum number of open file descriptors is exceeded; performing said step of receiving a download request in one of said download manager process and said duplicate download manager process; and servicing previously pending requests in another of said download manager process and said duplicate download manager process (col. 2, lines 50-67).

8. As per claims 9,17,21 Gobin disclosed further comprising the steps of: accepting new

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connections for additional clients over said communication network; establishing respective first threads in said server to operate said connection and said new connections; establishing a second thread to operate said download manager process; and communicating between said download manager process and said client and said additional clients via said connection and said new connections respectively using non-blocking I/O (col. 9, lines 13-24).

### ***Response to Arguments***

9. Applicant's arguments filed 12/06/2007 have been fully considered but they are not persuasive. Response to applicant's arguments is as follows.

A. Applicant argued that prior art did not disclose, "Making a copy of the socket, enqueueing the copy of the socket in a download manager, and using the copy of the socket to download data".

As to applicant's argument Gobin disclosed, "When the listener process has a data to pass to EDOCCS000, EDOCS000 invokes a retrieve command to get the data. EDOCS000 then performs a take socket and responds to the client by a write socket (col. 22, lines 26-28)".

B. Applicant argued that prior art did not disclose, "There is no conversion of a blocking socket to non-blocking socket".

As to applicant's argument Gobin disclosed, "the present invention includes a number of web servers for managing customer sessions over the internet. The web servers support a secure socket connection enabling encrypted communications between the client browser application and the web servers (col. 3, lines 1-4)".

### ***Conclusion***

**10. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Adnan Mirza whose telephone number is (571)-272-3885.

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12. The examiner can normally be reached on Monday to Friday during normal business hours. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571)-272-3933. The fax for this group is (703)-746-7239. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866)-217-9197 (toll-free).

Adnan Mirza

/A. M. M./

Examiner, Art Unit 2145

/Jason D Cardone/  
Supervisory Patent Examiner, Art Unit 2145